

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

MARSHALL DIVISION

JERRY LYNN MOORE, #23256-078	§	
VS.	§	CIVIL ACTION NO. 2:17cv537
		CRIM NO. 2:15cr4
UNITED STATES OF AMERICA	§	

ORDER OF DISMISSAL

Movant Jerry Lynn Moore, a federal prisoner confined at the Federal Correctional Institute in Seagoville, Texas, brings this motion to vacate, set aside, or correct his federal sentence pursuant to 28 U.S.C. § 2255. The motion was referred to the United States Magistrate Judge, the Honorable Roy S. Payne, for findings of fact, conclusions of law, and recommendations for disposition of the case.

On November 27, 2019, Judge Payne issued a Report, (Dkt. #18), recommending that Movant's section 2255 motion be denied, and that Movant be denied a certificate of appealability *sua sponte*. A copy of this Report was sent to Movant at his address, with an acknowledgment card. However, to date, no objections to the Report have been filed.

Because objections to Judge Payne's Report have not been filed, Movant is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243


(1989) (holding that where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

ORDERED that the Report of the United States Magistrate Judge, (Dkt. #18), is **ADOPTED** as the opinion of the Court. Further, it is

ORDERED that Movant's section 2255 motion is **DENIED**. Movant is **DENIED** a certificate of appealability *sua sponte*. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED**.

So ORDERED and SIGNED this 6th day of February, 2020.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE